

Report for: Cabinet April 2023

Title: Damp and Mould Policy for Council housing stock

Report authorised by: David Joyce, Director of Placemaking and Housing

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Ward(s) affected: All

**Report for Key/
Non Key Decision:** KEY

1. Describe the issue under consideration

- 1.1 This policy sets out how Haringey will address issues of damp, mould and condensation within the council's tenanted and leasehold housing stock.
- 1.2 This includes how the council intends to comply with its legal responsibilities and with the Housing Ombudsman's recommendations in 'The Spotlight on Damp and Mould' report.

2. Cabinet Member Introduction

- 2.1 Damp and mould in homes is an epidemic across the country. Homes that retain moisture, residents who cannot afford to turn on their heating, or who do not have outside space to dry laundry, and failures of all landlords to address repairs in a timely fashion have combined to blight homes across London and beyond with damp and mould. For far too long, blame has been placed on tenants, and spurious claims that 'lifestyle' is contributing to dampness. The sector has been actively aware of these issues for over a year, following the publication of the housing ombudsman's 'spotlight on damp and mould' report in October 2021. The coroner's report into the death of Awaab Ishak and the many failings that directly contributed to this only reinforced the urgency with which the sector must respond. All social landlords have an essential role to play here: in ensuring homes are kept in a good state of repair, in listening to tenants and responding quickly to any problems they raise, and in creating a culture where everyone cares about all residents' living conditions. I am proud that as a borough we have strong relationships across the whole social housing sector, learn from one another and share information openly.
- 2.2 I am hopeful that with a strong damp and mould policy in place, tenants and leaseholders of Haringey Council will be confident that we take this issue seriously and that issues leading to damp and mould in homes will be addressed at the earliest opportunity. I am grateful to our residents who take the time to talk to us about our work and without whom we could not develop policies and plans to benefit everyone.

3. Recommendations

3.1 That Cabinet:

Approve the Damp and Mould Policy for Haringey's Council housing stock. (Appendix A).

4. Reasons for decision

- 4.1 As a social housing landlord, the Council has a duty to ensure that its housing stock is maintained at least in accordance with the Decent Homes Standard, which includes taking steps to assess properties for damp and mould problems and, where appropriate, take steps to avoid or minimise the recurrence of damp and mould.
- 4.2 We know that residents living in homes with damp and mould are more likely to suffer from respiratory problems, and other conditions that impact the immune system.
- 4.3 The cost-of-living crisis and the impact of fuel poverty is leading to an increased number of residents not being able to either heat or ventilate their homes adequately, which can potentially exacerbate the problem.
- 4.4 In 2021, the Housing Ombudsman published its 'Spotlight on damp and mould', which was both an indictment on the failures of social landlords in dealing with this issue, as well as road map for improving how cases are dealt with. Following the coroner's report into the death of Awaab Ishak in late 2022, this issue has become ever more prominent, and it is essential that we, as a social landlord, have a policy in place, to assure our tenants that we are giving damp and mould the focus they need.

5. Alternative options considered

- 5.1 The Council could treat all damp and mould cases via its existing repairs process, and decide not to design and implement a damp and mould policy. We rejected this option since there is an expectation, from government and our residents that the Council, as a social housing landlord, will have a policy in place which sets out our approach to dealing with issues relating to damp and mould.

6. Background information

- 6.1 Haringey's residents, wherever they live and whoever their landlord, all deserve to live in a good quality home. This means a home that does not have major defects, that is warm, dry and properly ventilated. Our residents' homes should never adversely affect their health and wellbeing. Where residents are not homeowners, they also need any necessary repairs to their home to be carried out quickly and effectively. The Council is the landlord of c.20,000 homes, of which 15,000 are tenanted; and it is in our capacity as landlord that this policy applies. Damp and mould in the private rented sector is dealt with under existing policy, legal and regulatory frameworks that apply to the sector.

- 6.2 In October 2021, the Housing Ombudsman published its ‘Spotlight on Damp and Mould’ report with its indictment of the way a number of social housing landlords have failed to listen to and effectively act upon reports of damp and mould in their homes.
- 6.3 More recently, in November 2022, the Ombudsman requested councils to self-assess against the 26 recommendations made in the ‘Spotlight’ report. This was in light of the coroner’s report following the inquest into the death of Awaab Ishak from respiratory condition caused by long term exposure to mould.
- 6.4 In response to the coroner’s report, the Minister for Levelling Up, Housing and Communities wrote to all providers of social housing regarding this issue and set out an expected response.
- 6.5 In December 2022, as requested by the Social Housing Regulator, the Council also provided an information return, outlining Haringey’s position on damp and mould. Key actions we have taken since then include:
- visiting all known category 1 cases of damp and mould and offering remedial works including the provision of dehumidifiers and mould washes.
 - updating our decant policy and developed a new decant process to ensure this fully supports any decants required as a result of severe damp and mould.
 - ongoing visits to all potential category 2 cases and assessing newly reported cases of damp and mould.
 - setting up a damp and mould email in box and dedicated phone line.
 - reviewing and updating our communications approach to ensure effective guidance is being provided to residents.
 - providing additional training for surveyors and Housing Health and Safety Rating System (HHSRS) training for a wider range of staff.
- 6.6 As a consequence of the above events, we have reviewed all our processes and procedures relating to damp and mould to ensure they address the concerns raised by the coroner and also how our service measures against the 26 recommendations from the Ombudsman’s report. This damp and mould policy has therefore been developed to reflect our response to both government and our residents.
- 6.7 The policy applies to both tenants and leaseholders living in council homes including temporary accommodation within our own stock and leased accommodation. As noted above, the council’s responsibilities to private sector residents in Haringey is outside the scope of this policy and is covered under existing policy, legislation and regulation.
- 6.8 The resident’s Customer Core Group have been consulted in the development of the policy. The group is made up of tenants and leaseholders living in council homes. It exists to be the voice of residents at the heart of decision making, by adding a resident perspective to how housing services are delivered and monitored for the purpose of increasing customer satisfaction. The group also

reviews and recommends changes to strategy, policy or practices to improve the quality of services provided.

7. Policy Summary

7.1 The overall aim of the policy is to provide a clear and transparent framework on the Council's approach to tackling damp and mould in accordance with our statutory obligations. This includes ensuring that our residents feel listened to and responded to effectively when experiencing issues of damp and mould. We will therefore be co-designing a bespoke resident communication and engagement strategy for damp and mould which will be in place by June 2023.

7.2 The key objectives of the policy are to:

- provide and maintain dry, warm, healthy homes for our tenants and leaseholders.
- ensure that the fabric of our homes is protected from deteriorating and damage resulting from damp and condensation.
- ensure that tenants never feel blamed and always be treated with dignity and respect
- ensure every visit count so all staff visiting a tenant's home are able to identify the early signs of damp and mould.
- reduce both landlord and tenants' cost associated with damp and mould.

7.3 The policy responds to the Ombudsman's spotlight report by setting out the steps we will take in adopting a zero tolerance approach to damp and mould interventions at each stage of the process: being proactive in terms of identification, prevention and resolution. These actions include:

- adopting a data driven, risk based approach to identifying cases of damp and mould, reducing an over reliance on residents to report issues.
- ensuring that our response to residents' reports of damp and mould are timely and reflect the urgency of the issue.
- reviewing the information, materials and support provided to residents to ensure that these strike the right tone and are effective in helping residents to avoid damp and mould in their properties, ensuring staff are sufficiently trained and have the appropriate skills and equipment to identify early signs of damp and mould and carry out their work effectively.
- addressing some of the root causes of damp and mould through targeted preventative maintenance measures.
- improving the energy efficiency of council homes.

7.4 The policy is structured round three clear stages to ensure that all council homes are free of damp and mould. These are as follows:

- prevention: ensuring that homes are not susceptible to conditions leading to damp and mould, for example by ensuring that they are well heated and ventilated.
- identification: ensuring that the Council, both via data analysis and stock condition surveys and by equipping officers, identifies cases of damp and

mould, and that residents are able to report cases quickly, easily and confidently.

- treatment: dealing with cases of damp and mould quickly and decisively, and prioritising the most severe cases.

7.5 In order to implement the objectives of the policy, we have also developed a new detailed procedure which ensures staff have clear guidelines for tackling issues of damp and mould.

7.6 This is supported by a clear and auditable process for tracking instances of damp and mould through all stages from initial diagnosis, the steps we will take to address the issue, with timescales, aftercare and what communication and action residents can expect from us.

7.7 The policy will next be reviewed in March 2024, or sooner, if required by statutory, regulatory, or best practice developments. The resident Customer Core Group will be consulted about any update of the policy.

8. Contribution to the Corporate Delivery Plan 2022-2024 High level Strategic outcomes

8.1 The proposed Damp and Mould policy supports high level strategic priority outcome 1 'Homes For the Future - Everyone has a home that is safe, sustainable, stable and affordable'.

9. Statutory Officers comments (Director of Finance (procurement), Head of Legal and Governance, Equalities)

Finance

9.1 This report on its own does not give rise to any financial implication but implementation of the activities set out in the policy will have cost implication.

9.2 However, these will either be met from existing resources and funding or require separate business cases and appropriate approval to progress.

9.3 The Council's HRA revenue and capital budget/MTFS 2023-28 supports the activities required to maintain the Council's housing stock.

Procurement

9.4 Strategic Procurement notes the contents of the reports and confirms there are no procurement related matters preventing the approval of the recommendations in this report.

Legal

9.5 The Head of Legal has been consulted in the preparation of this report and comments as follows.

9.6 The council has statutory responsibilities under the Landlord and Tenant Act 1985, the Decent Homes Standard, the Defective Premises Act and the Housing Health and Safety Rating System (HHSRS) to ensure that properties are maintained, meet the Decent Homes Standard and that, where appropriate,

properties are assessed and steps taken with a view to avoiding or minimising the risk of recurrence of damp and mould.

- 9.7 The Council's repairing obligations are also set out in its tenancy agreements and leases. Depending on the specific circumstances and the causes of damp or mould, where the council fails to comply with its statutory or contractual obligations, the tenant or lessee may have a right to take legal action for the damp and mould problems to be remedied and also possibly to claim compensation.
- 9.8 The Damp and Mould Policy sets out how the council intends to comply with its legal responsibilities and the Housing Ombudsman's recommendations in The Spotlight on Damp and Mould Report. It reflects the proactive approach that is required for tackling damp and mould and must be kept under review and updated if required, in response to any statutory, regulatory or best practice developments or guidance.

Equalities

- 9.9 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
 - Advance equality of opportunity between people who share those protected characteristics and people who do not
 - Foster good relations between people who share those characteristics and people who do not.
- 9.10 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status apply to the first part of the duty.
- 9.11 This decision relates to the Council's Damp and Mould Policy for its housing stock and how we will implement the policy across the council's housing portfolio.
- 9.12 Addressing damp and mould will benefit tenants and leaseholders in Haringey Council housing by improving the overall quality of their homes, preventing the adverse health and wellbeing outcomes associated with mould. Residents from Black, Asian and minority ethnic backgrounds, older people, disabled people, women and low-income households are over-represented among current Council tenants.
- 9.13 Therefore, addressing damp and mould issues is likely to positively impact those who share these protected characteristics.
- 9.14 The current cost of living crisis is causing increased levels of fuel poverty and disproportionately impacts those from a low socio-economic background. Residents in fuel poverty will be less likely to be able to heat their homes and, as such, are more at risk of their homes developing mould. Therefore, these

measures to effectively tackle damp and mould should have a particularly positive effect on those from a low socio-economic background and represent a means of preventing and mitigating future inequalities.

10. Use of Appendices

10.1 Appendix A Damp and Mould Policy for Council Housing Stock

11. Local Government (Access to Information) Act 1985

11.1 Ombudsman 'Spotlight on Damp and Mould' report – October 2021, which is available via [Housing Ombudsman Spotlight report on damp and mould \(housing-ombudsman.org.uk\)](https://www.housing-ombudsman.org.uk)